

1 SENATE BILL 1146

2 **48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007**

3 INTRODUCED BY

4 Kent L. Cravens

5  
6  
7  
8  
9  
10 AN ACT

11 RELATING TO DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR  
12 OR DRUGS; ALLOWING THE APPLICATION OF CURRENT DRIVER'S LICENSE  
13 REVOCATION LAWS TO CERTAIN OFFENDERS WITH A LICENSE REVOCATION  
14 UNDER PRIOR LAW.

15  
16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

17 Section 1. Section 66-5-29 NMSA 1978 (being Laws 1978,  
18 Chapter 35, Section 251, as amended by Laws 2005, Chapter 241,  
19 Section 2 and by Laws 2005, Chapter 269, Section 2) is amended  
20 to read:

21 "66-5-29. MANDATORY REVOCATION OF LICENSE BY DIVISION.--

22 A. The division shall immediately revoke the  
23 instruction permit, driver's license or provisional license of  
24 a driver upon receiving a record of the driver's adjudication  
25 as a delinquent for or conviction of any of the following

.165084.2

underscoring material = new  
[bracketed material] = delete

underscored material = new  
[bracketed material] = delete

1 offenses, whether the offense is under any state law or local  
2 ordinance, when the conviction or adjudication has become  
3 final:

4 (1) manslaughter or negligent homicide  
5 resulting from the operation of a motor vehicle;

6 (2) any offense rendering a person a "first  
7 offender" as defined in the Motor Vehicle Code;

8 (3) any offense rendering a person a  
9 "subsequent offender" as defined in the Motor Vehicle Code;

10 (4) any felony in the commission of which a  
11 motor vehicle is used;

12 (5) failure to stop and render aid as required  
13 under the laws of this state in the event of a motor vehicle  
14 accident resulting in the death or personal injury of another;

15 (6) perjury or the making of a false affidavit  
16 or statement under oath to the division under the Motor Vehicle  
17 Code or under any other law relating to the ownership or  
18 operation of motor vehicles; or

19 (7) conviction or forfeiture of bail not  
20 vacated upon three charges of reckless driving committed within  
21 a period of twelve months.

22 B. Except as provided in the Ignition Interlock  
23 Licensing Act and in Subsection C, D [~~or~~], E or F of this  
24 section, a person whose license has been revoked under this  
25 section shall not be entitled to apply for or receive a new

.165084.2

underscored material = new  
[bracketed material] = delete

1 license until one year from the date that the conviction is  
2 final and all rights to an appeal have been exhausted.

3 C. A person who upon adjudication as a delinquent  
4 for driving while under the influence of intoxicating liquor or  
5 drugs or conviction pursuant to Section 66-8-102 NMSA 1978 is  
6 subject to license revocation under this section for an offense  
7 pursuant to which the person was also subject to license  
8 revocation pursuant to Section 66-8-111 NMSA 1978 shall have  
9 ~~[his]~~ the person's license revoked for that offense for a  
10 combined period of time equal to:

11 (1) one year for a first offender; or

12 (2) for a subsequent offender:

13 (a) two years for a second conviction;

14 (b) three years for a third conviction;

15 or

16 (c) the remainder of the offender's life  
17 for a fourth or subsequent conviction, subject to a five-year  
18 review, as provided in Sections 66-5-5 and 66-8-102 NMSA 1978.

19 D. The division shall apply the license revocation  
20 provisions of Subsection C of this section and the provisions  
21 of Subsection D of Section 66-5-5 NMSA 1978 to a person who was  
22 three or more times convicted of driving a motor vehicle under  
23 the influence of intoxicating liquor or drugs and who has a  
24 driver's license revocation pursuant to the law in effect prior  
25 to June 17, 2005, upon the request of the person and if the

.165084.2

underscored material = new  
[bracketed material] = delete

1 person has had an ignition interlock license for three years or  
2 more and has proof from the ignition interlock vender of no  
3 violations of the ignition interlock device in the previous six  
4 months.

5           ~~[D-]~~ E. Upon receipt of an order from a court  
6 pursuant to Section 32A-2-19 NMSA 1978 or Subsection G of  
7 Section 32A-2-22 NMSA 1978, the division shall revoke the  
8 driver's license or driving privileges for a period of time in  
9 accordance with these provisions.

10           ~~[E-]~~ F. Upon receipt from a district court of a  
11 record of conviction for the offense of shooting at or from a  
12 motor vehicle pursuant to Subsection B of Section 30-3-8 NMSA  
13 1978 or of a conviction for a conspiracy or an attempt to  
14 commit that offense, the division shall revoke the driver's  
15 license or driving privileges of the convicted person. A  
16 person whose license or privilege has been revoked pursuant to  
17 the provisions of this subsection shall not be entitled to  
18 apply for or receive any new license or privilege until one  
19 year from the date that the conviction is final and all rights  
20 to an appeal have been exhausted."